

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-19 are pending in the present application, with Claims 1 and 17-19 amended and Claims 20-23 cancelled by the present amendment.

In the outstanding Office Action, Claims 1 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shennib (U.S. Patent No. 5,197,332 A); Claims 1 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jones (U.S. Patent No. 6,606,506 B1); Claims 1, 4-6, 11, 12 and 20-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush (U.S. Patent No. 6,466,677 B1) in view of Vogel (GB 2326788 A) and an examiner's official notice; Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush, Vogel, and examiner's notice in view of a second examiner's official notice; Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush, Vogel, an examiner's official notice in view of Anderson (U.S. Patent No. 6,316,429 A); Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush, Vogel, and an examiner's official notice in view of Foster (U.S. Patent No. 5,587,704 A); Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush, Vogel, and an examiner's official notice in view of Huang et al. (U.S. Patent No. 6,437,836 A, hereinafter Huang); Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush, Vogel, and an examiner's official notice in view of a second examiner's official notice; Claims 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush, Vogel, and an examiner's official notice in view of Kitao et al. (U.S. Patent No. 6,124,804 A, hereinafter Kitao); Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush, Vogel, an examiner's official notice, and Kitao in view of a second examiner's official notice

with evidence provided by Holling et al. (U.S. Patent No. 6,378,874 A, hereinafter Holling); and Claims 3, 10 and 14 were indicated as containing allowable subject matter.

Applicants gratefully acknowledge the indication of the allowable subject matter.

Claims 20-23 are cancelled and, thus, the rejections are moot. Applicants reserve the right to file one or more applications directed to the subject matter recited in original Claims 20-23.

Claim 1 is amended to recite a remote control unit having a plurality of operation buttons, each operation button configured to implement a corresponding one of a plurality of operation modes for audio reproduction, the plurality of operation modes comprising a start reproducing audio information mode, a stop reproducing audio information mode, a reversing mode and a fast forwarding mode. Claims 17-19 are amended to maintain antecedent basis. Support for these amendments is found in Applicants' originally filed specification.<sup>1</sup> No new matter is added.

Briefly recapitulating, amended Claim 1 is directed to an audio system, including a head attachment audio unit having a reproduction portion configured to reproduce audio information stored in a memory portion and an output portion configured to output sound according to the reproduced audio information. The audio system also includes a remote control unit having a plurality of operation buttons each operation button configured to implement a corresponding one of a plurality of operation modes for audio reproduction, the plurality of operation modes comprising a start reproducing audio information mode, a stop reproducing audio information mode, a reversing mode and a fast forwarding mode. The remote control unit is configured to transmit a control signal that controls the plurality of operation modes for audio reproduction of the reproduction portion. With this configuration,

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<sup>1</sup> Specification, Figure 3.

operational modes such as “play”, “stop”, “fast forward”, “rewind” and so on can be conveniently controlled remotely *even if the audio system is attached on the head.*<sup>2</sup>

Shennib discloses a head-set hearing testing and hearing aid programming instrument with a wireless remote control configured to allow a patient to enter responses to command and prompts.<sup>3</sup> Jones discloses a personal entertainment and communication device having a headset and a remote control configured to control a CD, an AM/FM radio, a transmitter, and a clock.<sup>4</sup> However, both Shennib and Jones do not teach “a remote control unit having a plurality of operation buttons each operation button configured to implement a corresponding one of a plurality of operation modes for audio reproduction, the plurality of operation modes comprising a start reproducing audio information mode, a stop reproducing audio information mode, a reversing mode and a fast forwarding mode,” as recited in amended Claim 1.

Bush discloses a cordless audio headphone having a memory card.<sup>5</sup> However, Bush does not disclose or suggest a remote control device. Vogel discloses a personal radio system comprising a radio receiver headset 10 and a remote control unit 12, where control of all functions are provided by different combinations of a minimum number of keys on the remote control unit, preferably no more than two.<sup>6</sup> This remote control unit permits functional operation based solely on the use of two manually operated keys.<sup>7</sup> However, like Bush, Shennib and Jones, Vogel does not teach “a remote control unit having a plurality of operation buttons, each operation button configured to implement a corresponding one of a plurality of operation modes for audio reproduction, the plurality of operation modes comprising a start reproducing audio information mode, a stop reproducing audio information mode, a reversing mode and a fast forwarding mode” as recited in amended Claim 1.

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<sup>2</sup> Specification, page 3, line 6 – page 4, line 7.

<sup>3</sup> Shennib, column 5, lines 19-36; Figure 2.

<sup>4</sup> Jones, column 6, lines 30-38; Figure 6; see also Figure 2.

<sup>5</sup> Bush, abstract.

<sup>6</sup> Vogel, page 6, line 20.

<sup>7</sup> Vogel, page 8, line 31.

That is, according to the present invention, each operation mode can be controlled through the separated operation buttons. Since the operation buttons have unique functions, the user can select an operation mode visually and easily. However, in Vogel the user can not select the operation mode visually with the remote control unit because one key/switch of Vogel must be combined with the other key/switch. Furthermore, Applicants submit that Vogel teaches away from Applicants' claimed invention because Vogel aims to reduce the number of buttons on the remote whereas Applicants' invention purposely claims each operation button corresponds to one of a plurality of operation modes.

Applicants have also considered Anderson, Huang, and Kitao and submit these references do not cure the deficiencies noted above. As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claim 1, Applicants submit the inventions defined by Claim 1, and all claims depending therefrom, are not anticipated and are not rendered obvious by the asserted prior art for at least the reasons stated above.<sup>8</sup>

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<sup>8</sup> MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters  
Registration No. 28,870  
Attorney of Record  
Michael E. Monaco  
Registration No. 52,041

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
EHK/MEM/kkn

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